

**LAMAR OUTDOOR ADVERTISING****OSHA Docket Office****Docket No. S-029****Room N-2625****U.S. Department of Labor****200 Constitution Avenue, N.W.****Washington DC 20210****E-Mail: <http://ecommments.osha.gov>****Docket S029****Ex. 3-91****OSHA****DOCKET OFFICER****DATE JUL 30 2003****TIME**

**RE: FEDERAL REGISTER (88 FR 23528) AT DOCKET S-029, RIN 1218-AB80
COMMENTS ON WALKING WORKING SURFACES AND PERSONAL PROTECTIVE EQUIPMENT
(FALL PROTECTION SYSTEMS)**

Dear Sirs,

The operation employees and myself from Lamar Outdoor Advertising in Lubbock, Texas would like to emphasize the following points relative to the outdoor industry and, specifically, our operations;

As you are aware outdoor advertising is a unique industry. There are several ways that the existing industry standards are not suited to our operations and why OSHA granted the Gannett Variance in 1993. If the outdoor advertising industry is combined with other more traditional manufacturing or construction operations that will lead the outdoor industry to seek another variance.

OAAA has submitted data that the methods specified by the Gannett Variance (qualified climbers and fall protection) has been exceptionally successful in reducing the number of accidents where climbing and working from elevated areas are a vital part of the working environment. Because of the success of the Gannett Variance in providing a safe working environment in our industry, we support OAAA in requesting that any rules intended to replace the variance be subject to a separate, negotiated rulemaking proceeding in order to ensure that they take into account the unique aspects of the outdoor industry.

It is important that any new rules take into account the changes in outdoor advertising operations and safety technology as well as bringing consistency to the regulated community. The new rules will not accomplish either of those goals, unless the rules take into account the unique aspects of the outdoor advertising industry and the rules make it clear that they govern all ongoing outdoor advertising operations except for structural erection. This is important because there is still widespread confusion among compliance officers and outdoor advertising companies as to whether the general industry regulations (29 C.F.R. Part 1910) or the construction regulations (29 C.F.R. Part 1926) govern routine outdoor advertising operations on existing billboards.

We are aware that OSHA has posed a number of questions about ladder safety devices, cages and wells. As OAAA has pointed out, the installation of such devices would be costly and almost impossible to put into service in a timely manner. Statistics show that these devices are not necessary; therefore, why require companies to spend significant funds to replace a proven system with an unproven one?

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**LAMAR OUTDOOR ADVERTISING**

In 1993 it became necessary for our industry to obtain a variance from the subpart D regulations to account for the unique challenges posed by our industry. We strongly support the replacement of that variance with regulations, which will come out of this rulemaking. But those regulations will not effectively replace the variance or provide necessary worker protection if they do not take into account the uniqueness of the outdoor advertising operations. We will support OAAA's request for public hearings if OSHA will not agree to conduct negotiated rulemaking on these issues dealing with the outdoor advertising industry. At these hearings the outdoor industry will be able to demonstrate that we can continue working together to provide a safe and productive work environment for our employees.

Thank you for your time.

Sincerely,

A handwritten signature in cursive script that reads "Ray McClure".

Ray McClure

Operations, Manager Lubbock, Texas #264



FAX
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TO:	OSHA DOCKET OFFICE
NO:	264
FROM:	RAY MECLURE
	O.P.M # 264

URGENT ☐
FOR REVIEW ☐
PLEASE COMMENT ☐
PLEASE REPLY ☐

DATE: 7/30/03 PAGES: 3

Re: COMMENT ON DOCKET NO S-029

CC:

MESSAGE: